

REMARKS

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. The Examiner also objects to the drawings because Figs. 6A, 6B, and 6C include extraneous wording and do not include the stop for the protuberance 37 discussed in ¶ [0046] of the Specification. In addition, the Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the reference sign for shaped out portion 35, which is mentioned in the Specification.

The Examiner rejects claims 2-40 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner also rejects Claim 30 under 35 U.S.C. § 112, first paragraph. In addition, the Examiner rejects claims 20, 24, 27-30, and 34-36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objects to Claims 20-22 and 28 because of various informalities.

The Examiner has rejected claims 20-32, 39, and 40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 959,494 to Fisher ("Fisher"). The Examiner has also rejected claims 33-36 under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of U.S. Patent Application Pub. No. 2003/0024285 to Segawa ("Segawa"). In addition, the Examiner has rejected Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Segawa and further in view of U.S. Patent No. 5,862,690 to Jancsek ("Jancsek").

Claims 20-22, 24, 27-30, 35, and 36 have been currently amended. Claims 20-40 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current claims 20-40. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. OBJECTION TO THE DRAWINGS OF UNDER 37 C.F.R. § 1.83(A)

On page 2 of the current Office Action, the Examiner objects to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. These rejections are respectfully traversed and believed overcome in view of the following discussion.

In particular, Examiner asserts that the drive toothed wheel 18 must be shown or the feature(s) canceled from the claim(s).

Drive toothed wheel 18 is, in fact, shown in Fig. 3. Fig. 3 lists "18, 26" and not just "18" because the drive tooth wheel 18 and the driven toothed wheels 26 have the same shape. As the Specification states:

"The driven toothed wheels and drive toothed wheels advantageously have the same shape and have, for example, a center square opening 46 which makes possible a rotatable bearing support on a round mandrel 48 of the bearing part 28 on the one hand, but is also suitable on the other hand as a receptacle for a square for connecting to a hand lever 16 so as to be rigid against rotation." Application, ¶ [036] (emphasis added).

The specification also states:

“The teeth 24 of the toothed rod 20 can be whole or, as is shown in Fig. 2, partial, i.e., can comprise toothing portions 24, 124, 224, 324, and so on. **One of these portions, e.g., portion 324, meshes with the drive toothed wheel 18, while the rest of the portions 24, 124, 224 mesh with driven toothed wheels 26 of different rotary lock elements 22.**” Application, ¶ [031] (emphasis added).

Accordingly, it is apparent that the drive tooth wheel 18 and the driven toothed wheels 26 have the same shape, and that the difference between the drive tooth wheel 18 and the driven toothed wheels 26 is their location and their function.

Accordingly, Applicants’ respectfully assert that Fig. 3 adequately depicts the drive tooth wheel 18. Therefore, Applicants respectfully request the Examiner withdraw the objection to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims.

III. OBJECTION TO DRAWING FIGS. 6A, 6B, AND 6C

On page 2-3 of the current Office Action, the Examiner objects to the drawings because Figs. 6A, 6B, and 6C include extraneous wording, such as “Saw-proofing protection, and do not include the stop for the protuberance 37 discussed in ¶ [046] of the Specification. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Figs. 6A, 6B, and 6C have been currently amended to delete the extraneous wording. However, Applicants respectfully assert that it is not required for the drawings to include the stop for the protuberance 37, and Examiner has not identified any specific reason as to why the stop for the protuberance 37 must be included in the drawings. It should be noted that protuberance 37 is depicted in Fig. 3 and Fig. 4B.

Therefore, Applicants respectfully request the Examiner remove the objection to the drawings because Figs. 6A, 6B, and 6C include extraneous wording and do not include the stop for the protuberance 37 discussed in ¶ [046] of the Specification.

IV. OBJECTION TO THE DRAWINGS OF UNDER 37 C.F.R. § 1.84(P)(5)

On page 3 of the current Office Action, the Examiner objects to the drawings under 37 C.F.R. § 1.84(p)(5) because they do not include the reference sign for shaped out portion 35, which is mentioned in the Specification. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Paragraphs [032] of the Specification stands currently amended to delete the reference number 35. Therefore, Applicants respectfully request the Examiner remove the objection to the drawings under 37 C.F.R. § 1.84(p)(5).

V. REJECTION OF CLAIMS 20-40 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

On page 4 of the current Office Action, the Examiner rejects claims 20-40 under 35 U.S.C. § 112, first paragraph. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Specifically the Examiner contends that, within the specification, the drive toothed wheel 18 is discussed as a separate entity from the driven toothed wheel 26, but the figures do not show the drive toothed wheel in conjunction with the other components of the device.

As stated above, Applicant's note that drive toothed wheel 18 is, in fact, shown in Fig. 3. Fig. 3 lists "18, 26" and not just "18" because the drive tooth wheel 18 and the driven toothed wheels 26 have the same shape. As the Specification states:

"The driven toothed wheels and drive toothed wheels advantageously have the same shape and have, for example, a center square opening 46 which makes possible a rotatable bearing

support on a round mandrel 48 of the bearing part 28 on the one hand, **but is also suitable on the other hand as a receptacle for a square for connecting to a hand lever 16 so as to be rigid against rotation.**" Application, ¶ [036] (emphasis added).

The specification also states:

"The teeth 24 of the toothed rod 20 can be whole or, as is shown in Fig. 2, partial, i.e., can comprise toothing portions 24, 124, 224, 324, and so on. **One of these portions, e.g., portion 324, meshes with the drive toothed wheel 18, while the rest of the portions 24, 124, 224 mesh with driven toothed wheels 26 of different rotary lock elements 22.**" Application, ¶ [031] (emphasis added).

Accordingly, it is apparent that the drive tooth wheel 18 and the driven toothed wheels 26 have the same shape, and that the difference between the drive tooth wheel 18 and the driven toothed wheels 26 is their location and their function. The specification also states:

"The swivel lever 16 is supported on a driveshaft 56 so as to be swivelable around an axis 58 extending perpendicular to the driveshaft axis. **The driveshaft 56 forms, or carries at its end facing inward, a square on which the drive toothed wheel 18 that is provided with a square hole 46 can be arranged in a positive engagement so that the drive toothed wheel 18 can be rotated, e.g., by 90° or more when rotating the swiveled out lever 16 around the axis of the driveshaft 56. In this way, the rod 20 is displaced and at the same time drives driven toothed wheels 26 in such a way that the latter rotate in turn....**" Application, ¶ [042] (emphasis added).

Accordingly, the Fig. 3 shows the drive toothed wheel 18 in conjunction with the other components of the device. As it happens, most of the components which surround the drive toothed wheel 18 also surround the driven toothed wheels 26. Therefore, Fig. 3 includes the label "18, 26". Applicants respectfully assert that Fig. 1 in combination with Fig. 3 adequately depicts both the drive toothed wheel 18 and the driven toothed wheels 26 in conjunction with the other components of the device.

Therefore, Applicants respectfully request the Examiner remove the rejection of claims 20-40 under 35 U.S.C. § 112, first paragraph. Applicants also respectfully assert that it was improper for Examiner to only consider that the device includes one driven toothed wheel as

the drive toothed wheel 18 also surround the driven toothed wheels 26 were adequately described and depicted in the current Application.

VI. REJECTION OF CLAIM 30 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

On page 5 of the current Office Action, the Examiner rejects Claim 30 under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed and believed overcome in view of the following discussion.

The wording of Original Claim 10 supports the language of current Claim 30. Therefore, Applicants respectfully request the Examiner remove the rejection of Claim 30 under 35 U.S.C. § 112, first paragraph.

VII. REJECTION OF CLAIMS 20, 24, 27-30, AND 34-36 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

On page 5 of the current Office Action, the Examiner rejects claims 20, 24, 27-30, and 34-36 under 35 U.S.C. § 112, second paragraph. These rejections are respectfully traversed and believed overcome in view of the following discussion.

The Phrases: “favorable sliding properties” and “good sliding properties”

On page 5 of the current Office Action, the Examiner rejects claims 27, 29, and 30 because the phrases “favorable sliding properties” and “good sliding properties” are not defined. Claims 27, 29, and 30 stand currently amended. Therefore, Applicants respectfully request the Examiner remove the rejection of claims 27, 29, and 30 under 35 U.S.C. § 112, second paragraph.

The Phrase: “closing forces”

On page 6 of the current Office Action, the Examiner rejects Claim 28 because the phrase “closing forces” is not defined.

However, the Specification specifically states:

“[0008] In this way, doors or lids having a plurality of lock **elements enabling a pull-in movement can be closed**, and the lock elements can be actuated in a space-saving manner by means of a central, lockable operating element. In particular, this type of fastener can be applied **wherever high closing force must be overcome or long closing paths must be implemented** when using corresponding sealing systems for protecting against weather, water and dust and/or electromagnetic shielding and wherever it is very important to prevent attempts at unauthorized opening.

“[040] Accordingly, the long stop curvature of the shaped part 40 according to Fig. 1 ensures that **a large pull-in path**, which comes about, e.g., due to sealing strips 52, 152 **during the closing process** in which the sealing strips are compressed, is realized with relatively small rotating forces.

Application, ¶¶ [0008], [040] (emphasis added).

Accordingly, Applicants respectfully assert that the phrase “closing forces” is adequately described in the specification. Therefore, Applicants respectfully request the Examiner remove the rejection of Claim 28 under 35 U.S.C. § 112, second paragraph.

The Phrase: “so as to be rigid against rotation”

On page 6 of the current Office Action, the Examiner rejects claims 20, 24, and 36 because the phrase “so as to be rigid rotation” is not defined. Claims 20 and 24 stand currently amended. Claim 36 never contained the above referenced phrase. Therefore, Applicants respectfully request the Examiner remove the rejection of claims 20, 24, and 36 under 35 U.S.C. § 112, second paragraph.

The Phrase: “hard material”

On page 6 of the current Office Action, the Examiner rejects claims 34 and 36 because the phrase “hard material” is not defined.

However, the Specification specifically states:

“Saw-proofing protection 70 is provided in order to prevent this safeguard from being bypassed by sawing through the lever between the lug 68 and the hinge 58. This saw-proofing protection 70 comprises a pipe or the like which is made of a hard material and which can be glued into or rotatably supported

in the reverse-trough-shaped cross section 72 of the hand lever 16, possibly also subsequently.” Application, ¶ [044] (emphasis added).

Accordingly, Applicants respectfully assert that the phrase “hard material” is adequately described in the specification. Therefore, Applicants respectfully request the Examiner remove the rejection of claims 34 and 36 under 35 U.S.C. § 112, second paragraph.

The Phrase: “the inner contour”

On page 6 of the current Office Action, the Examiner rejects Claim 35 because the phrase “the inner contour” lacks sufficient antecedent basis. Claim 35 stands currently amended. Therefore, Applicants respectfully request the Examiner remove the rejection of Claim 35 under 35 U.S.C. § 112, second paragraph.

The Phrase: “handle lever”

On page 7 of the current Office Action, the Examiner rejects Claim 20 because the phrase “handle lever” is unclear since it is well known in the art that a lever is a type of handle. Claim 20 stands currently amended. Therefore, Applicants respectfully request the Examiner remove the rejection of Claim 20 under 35 U.S.C. § 112, second paragraph.

The Phrase: “the cylinder axis”

On page 7 of the current Office Action, the Examiner rejects Claim 36 because the phrase “the cylinder axis” lacks sufficient antecedent basis. Claim 36 stands currently amended. Therefore, Applicants respectfully request the Examiner remove the rejection of Claim 36 under 35 U.S.C. § 112, second paragraph.

VIII. OBJECTION TO CLAIMS 20-22 AND 28 BECAUSE OF VARIOUS INFORMALITIES

On page 7 of the current Office Action, the Examiner objects to claims 20-22 and 28 because of various informalities. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claims 20-22 and 28 stand currently amended. Accordingly, Applicants respectfully assert that claims 20-22 and 28 are now in allowable form. Therefore, Applicants respectfully request that Examiner remove the objection to claims 20-22 and 28 because of various informalities.

IX. REJECTION OF CLAIMS 20-32, 39, AND 40 UNDER 35 U.S.C. § 102(B) BASED ON FISHER

On page 8 of the current Office Action, the Examiner rejects claims 20-32, 39, and 40 as being anticipated by Fisher. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Amended Claim 20 states, in part:

“for each lock element, a driven toothed wheel, **which is directly connected** to the lock element so as to be rigid against rotation with respect to the lock element and which engages with the toothing of the lock rod, being held on the door in a rotatable manner in order to couple the lock rod with the lock element or lock elements.” (emphasis added).

Accordingly, the driven toothed wheel is directly connected to the lock element. Examiner points to Fig. 5 of Fisher as disclosing the above claim language.

However, as can be seen in Fig. 5 of Fisher, the gear pinion 15 is indirectly connected with cam body 1 via the stem 4. However, Claim 20 states that the driven toothed wheel is directly connected to the lock element. Thus, according to the invention there is provided direct contact between the lock element 22 and the driven toothed wheel 26, as shown in Fig. 3. This direct connection allows smaller locks or shorter distances between the parts of the lock, as is favorable when used for thin walled housings or cabinets. See, Application, ¶ [032].

In addition, Claim 24 states, in part:

“wherein a second lock element is **arranged on the drive toothed wheel** so as to be rigid against rotation with respect to the drive toothed wheel.”

As can be seen in Figs. 1 and 3 of Fisher, Fisher fails to disclose a lock element arranged on the intermediate pinion 15a.

As Fisher fails to disclose the above claim language, Applicants respectfully assert that Examiner has failed to establish a prima facie case of anticipation of independent Claim 20, and corresponding claims 21-32, 39, and 40 because they are all dependant from independent Claim 20. Therefore, Applicant respectfully requests that Examiner remove the rejection of claims 20-32, 39, and 40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 959,494 to Fisher.

X. REJECTION OF CLAIMS 33-36 AND 38 UNDER 35 U.S.C. § 103(A) BASED ON FISHER AND SEGAWA

On page 10 of the current Office Action, the Examiner rejects claims 33-36 and 38 as being unpatentable over Fisher in view of Segawa. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claims 33-36 are each ultimately dependent from independent Claim 20. As Claim 20 is allowable, so must be claims 33-36. Therefore, Applicant respectfully requests that Examiner remove the rejection of claims 33-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 959,494 to Fisher in view of U.S. Patent Application Pub. No. 2003/0024285 to Segawa.

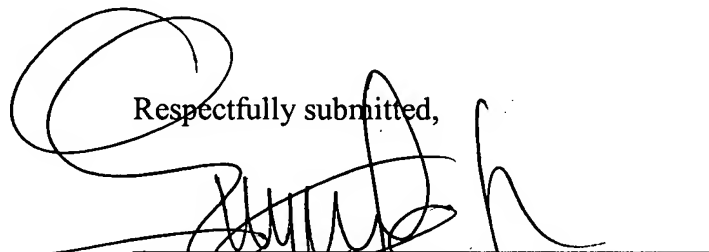
XI. REJECTION OF CLAIM 37 UNDER 35 U.S.C. § 103(A) BASED ON FISHER, SEGAWA, AND JANCSEK

On page 11 of the current Office Action, the Examiner rejects Claim 37 as being unpatentable over Fisher in view of Segawa and further in view of Jancsek. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claim 37 is ultimately dependent from independent Claim 20. As Claim 20 is allowable, so must be Claim 37. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claim 37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 959,494 to Fisher in view of U.S. Patent Application Pub. No. 2003/0024285 to Segawa and further in view of U.S. Patent No. 5,862,690 to Jancsek.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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Appendix A